

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:05CR54
Plaintiff,)	
)	
v.)	ORDER
)	
GERALD JACKSON,)	
)	
Defendant.)	
_____)	

Before the court is defendant's unopposed Motion to Schedule Evidentiary Hearing and Continue Trial, along with a Waiver of Speedy Trial (Filing No. 54). After considering the motion, IT IS ORDERED:

1. An evidentiary hearing is scheduled before the undersigned on **October 3, 2006, at 9:00 a.m.**, Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The defendant must be present for this hearing.

2. The ends of justice will be served by granting the defendant's motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising from the date of the motion to the date of the evidentiary hearing, namely, **August 28, 2006, through October 3, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. The jury trial currently scheduled for September 5, 2006, is canceled and will be rescheduled by further order of this court and after ruling on any motions presented at the evidentiary hearing on October 3.

DATED this 29th day of August, 2006.

BY THE COURT:

s/Joseph F. Bataillon
CHIEF UNITED STATES DISTRICT JUDGE